

1 Katherine F. Parks, Esq.  
2 Nevada Bar No. 6227  
3 Thorndal Armstrong, PC  
4 6590 S. McCarran Blvd., Suite B  
5 Reno, Nevada 89509  
6 Tel: (775) 786-2882  
7 kfp@thorndal.com  
8 Attorney for Defendant  
9 BEAU WALKER

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
8

9 BROOKLYN TONI, an individual, and  
10 DOMINQUE JARDIN, guardian filing on  
behalf of minor N.J.

11 Plaintiffs,

12 vs.

13 WASHOE COUNTY SCHOOL DISTRICT, a  
14 political subdivision of the State of Nevada,  
15 and individual, BEAU WALKER, an  
individual, KYLE FORD, an individual, and  
DOES I-XX,

16 Defendants.  
17

Case No. 3:23-cv-00229-MMD-CLB

**DEFENDANT BEAU WALKER'S**  
**ANSWER TO FIRST AMENDED**  
**COMPLAINT**

18 COMES NOW Defendant BEAU WALKER. by and through his attorneys Thorndal  
19 Armstrong, PC, and in answer to Plaintiffs' Complaint, hereby admits, denies and alleges as  
20 follows:

21 **FIRST DEFENSE**

22 **JURISDICTION AND VENUE**

23 1. Defendant is without sufficient knowledge or information with which to form a  
24 belief as to the truth of the allegations contained in Paragraph 1 of Plaintiffs' First Amended  
25 Complaint, and on such basis, denies said allegations.

26 2. Defendant admits the allegations contained in Paragraph 2 of Plaintiffs' First  
27 Amended Complaint.

28 3. Paragraph 3 of Plaintiffs' First Amended Complaint calls for a legal conclusion,

1 not facts, to which no response is required. To the extent Paragraph 3 is deemed to contain  
2 factual allegations, Defendant denies said allegations.

3 4. Paragraph 4 of Plaintiffs' First Amended Complaint calls for a legal conclusion,  
4 not facts, to which no response is required. To the extent Paragraph 4 is deemed to contain  
5 factual allegations, Defendant denies said allegations.

6 5. Defendant denies the allegations contained in Paragraph 5 of Plaintiffs' First  
7 Amended Complaint.

8 6. Defendant denies the allegations contained in Paragraph 6 of Plaintiffs' First  
9 Amended Complaint.

10 **PARTIES**

11 7. Defendant is without sufficient knowledge or information with which to form a  
12 belief as to the truth of the allegations contained in Paragraph 7 of Plaintiffs' First Amended  
13 Complaint and upon such basis, denies said allegations.

14 8. Defendant is without sufficient knowledge or information with which to form a  
15 belief as to the truth of the allegations contained in Paragraph 8 of Plaintiffs' First Amended  
16 Complaint and upon such basis, denies said allegations.

17 9. Defendant is without sufficient knowledge or information with which to form a  
18 belief as to the truth of the allegations contained in Paragraph 9 of Plaintiffs' First Amended  
19 Complaint and upon such basis, denies said allegations.

20 10. In answer to Paragraph 10 of Plaintiffs' First Amended Complaint, the allegations  
21 contained therein do not apply to this answering Defendant.

22 11. In answer to Paragraph 11 of Plaintiffs' First Amended Complaint, Defendant  
23 admits that he is a dean at Galena High School and that he was the coach of its baseball program  
24 at the time of the events described in Plaintiffs' First Amended Complaint.

25 12. In answer to Paragraph 12 of Plaintiffs' First Amended Complaint, the allegations  
26 contained therein do not apply to this answering Defendant.

27 13. In answer to Paragraph 13 of Plaintiffs' First Amended Complaint, the allegations  
28 contained therein do not apply to this answering Defendant.

**FACTUAL ALLEGATIONS**

14. Defendant is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 14 of Plaintiffs' First Amended Complaint and upon such basis, denies said allegations.

15. Defendant denies the allegations contained in Paragraph 15 of Plaintiffs' First Amended Complaint.

16. Defendant denies the allegations contained in Paragraph 16 of Plaintiffs' First Amended Complaint.

17. Defendant denies the allegations contained in Paragraph 17 of Plaintiffs' First Amended Complaint.

18. Defendant denies the allegations contained in Paragraph 18 of Plaintiffs' First Amended Complaint.

19. Defendant denies allegations contained in Paragraph 19 of Plaintiffs' First Amended Complaint.

20. Defendant denies the allegations contained in Paragraph 20 of Plaintiffs' First Amended Complaint.

21. Defendant denies the allegations contained in Paragraph 21 of Plaintiffs' First Amended Complaint.

22. Defendant denies the allegations contained in Paragraph 22 of Plaintiffs' First Amended Complaint.

23. Defendant denies the allegations contained in Paragraph 23 of Plaintiffs' First Amended Complaint.

24. Defendant denies the allegations contained in Paragraph 24 of Plaintiffs' First Amended Complaint.

25. Defendant denies the allegations contained in Paragraph 25 of Plaintiffs' First Amended Complaint.

26. Defendant is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained in Paragraph 26 of Plaintiffs' First Amended

1 Complaint and upon such basis, denies said allegations.

2 27. Defendant is without sufficient knowledge or information with which to form a  
3 belief as to the truth of the allegations contained in Paragraph 27 of Plaintiffs' First Amended  
4 Complaint and upon such basis, denies said allegations.

5 28. Defendant Walker denies the allegations in the first sentence of Paragraph 28 of  
6 Plaintiffs' First Amended Complaint. Defendant admits the allegations in the second sentence of  
7 Paragraph 28 of Plaintiffs' First Amended Complaint. Defendant is without sufficient knowledge  
8 or information with which to form a belief as to the truth of the allegations contained in the third  
9 sentence of Paragraph 28 of Plaintiffs' First Amended Complaint and upon such basis, denies  
10 said allegations.

11 29. Defendant denies the allegations in Paragraph 29 of Plaintiffs' First Amended  
12 Complaint.

13 30. Defendant denies the allegations contained in Paragraph 30 of Plaintiffs' First  
14 Amended Complaint.

15 31. Defendant denies the allegations contained in Paragraph 31 of Plaintiffs' First  
16 Amended Complaint.

17 32. Defendant denies the allegations contained in Paragraph 32 of Plaintiffs' First  
18 Amended Complaint.

19 33. Defendant denies the allegations contained in Paragraph 33 of Plaintiffs' First  
20 Amended Complaint.

21 34. In answer to Paragraph 34 of Plaintiffs' First Amended Complaint, the allegations  
22 contained therein do not apply to this answering Defendants.

23 35. In answer to Paragraph 35 of Plaintiffs' First Amended Complaint, the allegations  
24 contained therein do not apply to this answering Defendant.

25 36. Defendant denies the allegations contained in Paragraph 36 of Plaintiffs' First  
26 Amended Complaint.

27 37. Defendant denies the allegations contained in Paragraph 37 of Plaintiffs' First  
28 Amended Complaint.

1           38. Defendant denies the allegations contained in Paragraph 38 of Plaintiffs' First  
2 Amended Complaint.

3           39. In answer to Paragraph 39 of Plaintiffs' First Amended Complaint, the allegations  
4 contained therein do not apply to this answering Defendant.

5           40. In answer to Paragraph 40 of Plaintiffs' First Amended Complaint, Defendant  
6 admits that the baseball team went to Southern California on or about March 19, 2022, that the  
7 players stayed with the coaches and that parents made their own travel arrangements and denies  
8 any remaining allegations in Paragraph 40.

9           41. Defendant denies the allegations contained in Paragraph 38 of Plaintiffs' First  
10 Amended Complaint.

11           42. In answer to Paragraph 42 of Plaintiffs' First Amended Complaint, the allegations  
12 contained therein do not apply to this answering Defendant.

13           43. In answer to Paragraph 43 of Plaintiffs' First Amended Complaint, the allegations  
14 contained therein do not apply to this answering Defendant.

15           44. Defendant denies the allegations contained in Paragraph 44 of Plaintiffs' First  
16 Amended Complaint.

17           45. In answer to Paragraph 45 of Plaintiffs' First Amended Complaint, the allegations  
18 contained therein do not apply to this answering Defendant.

19           46. Defendant is without sufficient knowledge or information with which to form a  
20 belief as to the truth of the allegations contained in Paragraph 46 of Plaintiffs' First Amended  
21 Complaint and, upon such basis, denies said allegations.

22           47. Defendant denies the allegations contained in Paragraph 47 of Plaintiffs' First  
23 Amended Complaint.

24           48. Defendant denies the allegations contained in Paragraph 48 of Plaintiffs' First  
25 Amended Complaint.

26           49. Defendant denies the allegations contained in Paragraph 49 of Plaintiffs' First  
27 Amended Complaint.

28           50. Defendant denies the allegations contained in Paragraph 50 of Plaintiffs' First

1 Amended Complaint.

2 51. In answer to Paragraph 51 of Plaintiffs' First Amended Complaint, the allegations  
3 contained therein do not apply to this answering Defendant.

4 52. Defendant Walker is without sufficient knowledge or information with which to  
5 form a belief as to the truth of the allegations contained in the first sentence of Paragraph 52 of  
6 Plaintiffs' First Amended Complaint. Defendant denies the allegations contained in the second  
7 sentence of Paragraph 52 of Plaintiffs' First Amended Complaint.

8 53. In answer to Paragraph 53 of Plaintiffs' First Amended Complaint, the allegations  
9 contained therein do not apply to this answering Defendant.

10 54. In answer to Paragraph 54 of Plaintiffs' First Amended Complaint, the allegations  
11 contained therein do not apply to this answering Defendant.

12 55. Defendant denies the allegations contained in Paragraph 55 of Plaintiffs' First  
13 Amended Complaint.

14 56. Defendant is without sufficient knowledge or information with which to form a  
15 belief as to the truth of the allegations contained in Paragraph 56 of Plaintiffs' First Amended  
16 Complaint and upon such basis, denies said allegations.

17 57. In answer to Paragraph 57 of Plaintiffs' First Amended Complaint, the allegations  
18 contained therein do not apply to this answering Defendant.

19 58. In answer to Paragraph 58 of Plaintiffs' First Amended Complaint, the allegations  
20 contained therein do not apply to this answering Defendant.

21 59. Defendant Walker denies the allegations contained in the first sentence of  
22 Paragraph 59 of Plaintiffs' First Amended Complaint. Defendant is without sufficient knowledge  
23 or information with which to form a belief as to the truth of the allegations contained in the  
24 second sentence of Paragraph 59 of Plaintiffs' First Amended Complaint and upon such basis,  
25 denies said allegations.

26 60. Defendant is without sufficient knowledge or information with which to form a  
27 belief as to the truth of the allegations contained in Paragraph 60 of Plaintiffs' First Amended  
28 Complaint and upon such basis, denies said allegations.

1           61. Defendant denies the allegations contained in Paragraph 61 of Plaintiffs' First  
2 Amended Complaint.

3           62. Defendant denies the allegations contained in Paragraph 62 of Plaintiffs' First  
4 Amended Complaint.

5           63. Defendant denies the allegations contained in Paragraph 63 of Plaintiffs' First  
6 Amended Complaint.

7           64. Defendant is without sufficient knowledge or information with which to form a  
8 belief as to the truth of the allegations contained in Paragraph 64 of Plaintiffs' First Amended  
9 Complaint and upon such basis, denies said allegations.

10          65. Defendant is without sufficient knowledge or information with which to form a  
11 belief as to the truth of the allegations contained in Paragraph 65 of Plaintiffs' First Amended  
12 Complaint and upon such basis, denies said allegations.

13          66. Defendant is without sufficient knowledge or information with which to form a  
14 belief as to the truth of the allegations contained in Paragraph 66 of Plaintiffs' First Amended  
15 Complaint and upon such basis, denies said allegations.

16          67. Defendant is without sufficient knowledge or information with which to form a  
17 belief as to the truth of the allegations contained in Paragraph 67 of Plaintiffs' First Amended  
18 Complaint and upon such basis, denies said allegations.

19          68. Defendant denies the allegations contained in Paragraph 68 of Plaintiffs' First  
20 Amended Complaint.

21          69. Defendant denies the allegations contained in Paragraph 69 of Plaintiffs' First  
22 Amended Complaint.

23          70. Defendant denies the allegations contained in Paragraph 70 of Plaintiffs' First  
24 Amended Complaint.

25          71. Defendant is without sufficient knowledge or information with which to form a  
26 belief as to the truth of the allegations contained in Paragraph 71 of Plaintiffs' First Amended  
27 Complaint and upon such basis, denies said allegations.

28          72. Defendant denies the allegations contained in Paragraph 72 of Plaintiffs' First

1 Amended Complaint.

2 73. Defendant denies the allegations contained in Paragraph 73 of Plaintiffs' First  
3 Amended Complaint.

4 74. Defendant denies the allegations contained in Paragraph 74 of Plaintiffs' First  
5 Amended Complaint.

6 75. Defendant denies the allegations contained in Paragraph 75 of Plaintiffs' First  
7 Amended Complaint.

8 76. Defendant denies the allegations contained in Paragraph 76 of Plaintiffs' First  
9 Amended Complaint.

10 77. In answer to Paragraph 77 of Plaintiffs' First Amended Complaint, the allegations  
11 contained therein do not apply to this answering Defendant.

12 78. Defendant denies the allegations contained in Paragraph 78 of Plaintiffs' First  
13 Amended Complaint.

14 79. Defendant denies the allegations contained in Paragraph 79 of Plaintiffs' First  
15 Amended Complaint.

16 80. Paragraph 80 of the Plaintiffs' First Amended Complaint calls for a legal  
17 conclusion, not facts, to which no response is required. To the extent Paragraph 80 is deemed to  
18 contain factual allegations, Defendant denies said allegations.

19 81. Defendant denies the allegations contained in Paragraph 81 of Plaintiffs' First  
20 Amended Complaint.

21 82. Defendant denies the allegations contained in Paragraph 82 of Plaintiffs' First  
22 Amended Complaint.

23 83. Defendant denies the allegations contained in Paragraph 83 of Plaintiffs' First  
24 Amended Complaint.

25 84. Defendant denies the allegations contained in Paragraph 84 of Plaintiffs' First  
26 Amended Complaint.

27 85. Defendant denies the allegations contained in Paragraph 85 of Plaintiffs' First  
28 Amended Complaint.



1           97. Defendant denies the allegations contained in Paragraph 97 of Plaintiffs' First  
2 Amended Complaint.

3           98. Defendant denies the allegations contained in Paragraph 98 of Plaintiffs' First  
4 Amended Complaint.

5           99. Defendant denies the allegations contained in Paragraph 99 of Plaintiffs' First  
6 Amended Complaint.

7           100. Defendant denies the allegations contained in Paragraph 100 of Plaintiffs' First  
8 Amended Complaint.

9           101. Defendant denies the allegations contained in Paragraph 101 of Plaintiffs' First  
10 Amended Complaint.

11           102. Defendant denies the allegations contained in Paragraph 102 of Plaintiffs' First  
12 Amended Complaint.

13           103. Defendant denies the allegations contained in Paragraph 103 of Plaintiffs' First  
14 Amended Complaint.

15           104. Defendant denies the allegations contained in Paragraph 104 of Plaintiffs' First  
16 Amended Complaint.

17           105. Defendant denies the allegations contained in Paragraph 105 of Plaintiffs' First  
18 Amended Complaint.

19           106. Defendant denies the allegations contained in Paragraph 106 of Plaintiffs' First  
20 Amended Complaint.

21           107. Defendant denies the allegations contained in Paragraph 107 of Plaintiffs' First  
22 Amended Complaint.

23           108. Defendant denies the allegations contained in Paragraph 108 of Plaintiffs' First  
24 Amended Complaint.

25                           **THIRD CAUSE OF ACTION**

26                           ***(VIOLATION OF 14<sup>TH</sup> AMEND. – PROCEDURAL DUE PROCESS)***

27           109. In answer to Paragraph 109 of Plaintiffs' First Amended Complaint, Defendant  
28 repeats and realleges each and every answer to Paragraphs 1 through 108 as though fully set

1    forth herein at length.

2            110.    Defendant denies the allegations contained in Paragraph 110 of Plaintiffs' First  
3    Amended Complaint.

4            111.    Defendant denies the allegations contained in Paragraph 111 of Plaintiffs' First  
5    Amended Complaint.

6            112.    Defendant denies the allegations contained in Paragraph 112 of Plaintiffs' First  
7    Amended Complaint.

8            113.    Defendant denies the allegations contained in Paragraph 113 of Plaintiffs' First  
9    Amended Complaint.

10           114.    Defendant denies the allegations contained in Paragraph 114 of Plaintiffs' First  
11    Amended Complaint.

12           115.    Defendant denies the allegations contained in Paragraph 115 of Plaintiffs' First  
13    Amended Complaint.

14           116.    Defendant denies the allegations contained in Paragraph 116 of Plaintiffs' First  
15    Amended Complaint.

16           117.    Defendant denies the allegations contained in Paragraph 117 of Plaintiffs' First  
17    Amended Complaint.

18           118.    Defendant denies the allegations contained in Paragraph 118 of Plaintiffs' First  
19    Amended Complaint.

20           119.    Defendant denies the allegations contained in Paragraph 119 of Plaintiffs' First  
21    Amended Complaint.

22           120.    Defendant denies the allegations contained in Paragraph 120 of Plaintiffs' First  
23    Amended Complaint.

24           121.    Defendant denies the allegations contained in Paragraph 121 of Plaintiffs' First  
25    Amended Complaint.

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**FOURTH CAUSE OF ACTION**

***(CLAIM FOR DAMAGES FOR VIOLATION OF TITLE IX OF THE EDUCATION  
AMENDMENTS OF 1972 – 20 U.S.C. § 1681 ET SEQ.)***

122. In answer to Paragraph 122 of Plaintiffs' First Amended Complaint, Defendant repeats and realleges each and every answer to Paragraphs 1 through 121 as though fully set forth herein at length.

123. Defendant denies the allegations contained in Paragraph 123 of Plaintiffs' First Amended Complaint.

124. Defendant denies the allegations contained in Paragraph 124 of Plaintiffs' First Amended Complaint.

125. Defendant denies the allegations contained in Paragraph 125 of Plaintiffs' First Amended Complaint.

126. Defendant denies the allegations contained in Paragraph 126 of Plaintiffs' First Amended Complaint.

127. Defendant denies the allegations contained in Paragraph 127 of Plaintiffs' First Amended Complaint.

128. Defendant denies the allegations contained in Paragraph 128 of Plaintiffs' First Amended Complaint.

129. Defendant denies the allegations contained in Paragraph 129 of Plaintiffs' First Amended Complaint.

130. Defendant denies the allegations contained in Paragraph 130 of Plaintiffs' First Amended Complaint.

131. Defendant denies the allegations contained in Paragraph 131 of Plaintiffs' First Amended Complaint.

132. Defendant denies the allegations contained in Paragraph 132 of Plaintiffs' First Amended Complaint.

133. Defendant denies the allegations contained in Paragraph 133 of Plaintiffs' First Amended Complaint.



146. Defendant denies the allegations contained in Paragraph 146 of Plaintiffs' First Amended Complaint.

147. Defendant denies the allegations contained in Paragraph 147 of Plaintiffs' First Amended Complaint.

148. Defendant denies the allegations contained in Paragraph 148 of Plaintiffs' First Amended Complaint.

149. Defendant denies the allegations contained in Paragraph 149 of Plaintiffs' First Amended Complaint.

## **SIXTH CAUSE OF ACTION**

**(ASSAULT AGAINST DEFENDANT FORD)**

150. In answer to Paragraph 150 of Plaintiffs' First Amended Complaint, Defendant repeats and realleges each and every answer to Paragraphs 1 through 149 as though fully set forth herein at length.

151. In answer to Paragraph 151 of Plaintiffs' First Amended Complaint, the allegations contained therein do not apply to this answering Defendant.

152. Defendant denies the allegations contained in Paragraph 152 of Plaintiffs' First Amended Complaint.

153. In answer to Paragraph 153 of Plaintiffs' First Amended Complaint, the allegations contained therein do not apply to this answering Defendant.

154. Defendant denies the allegations contained in Paragraph 154 of Plaintiffs' First Amended Complaint.

## SEVENTH CAUSE OF ACTION

**(PROVOKING ASSAULT AGAINST DEFENDANT FORD)**

155. In answer to Paragraph 155 of Plaintiffs' First Amended Complaint, Defendant repeats and realleges each and every answer to Paragraphs 1 through 154 as though fully set forth herein at length.

156. In answer to Paragraph 156 of Plaintiffs' First Amended Complaint, the allegations contained therein do not apply to this answering Defendant.

1           157. Defendant denies the allegations contained in Paragraph 157 of Plaintiffs' First  
2 Amended Complaint.

3           158. In answer to Paragraph 158 of Plaintiffs' First Amended Complaint, the  
4 allegations contained therein do not apply to this answering Defendant.

5           159. Defendant denies the allegations contained in Paragraph 159 of Plaintiffs' First  
6 Amended Complaint.

7                                   **EIGHTH CAUSE OF ACTION**  
8                                   ***(LIBEL AGAINST DEFENDANT FORD)***

9           160. In answer to Paragraph 160 of Plaintiffs' First Amended Complaint, Defendant  
10 repeats and realleges each and every answer to Paragraphs 1 through 159 as though fully set  
11 forth herein at length.

12           161. In answer to Paragraph 161 of Plaintiffs' First Amended Complaint, the  
13 allegations contained therein do not apply to this answering Defendant.

14           162. Defendant denies the allegations contained in Paragraph 162 of Plaintiffs' First  
15 Amended Complaint.

16           163. In answer to Paragraph 163 of Plaintiffs' First Amended Complaint, the  
17 allegations contained therein do not apply to this answering Defendant.

18           164. Defendant denies the allegations contained in Paragraph 164 of Plaintiffs' First  
19 Amended Complaint.

20                                   **NINTH CAUSE OF ACTION**  
21                                   ***(HARASSMENT AGAINST DEFENDANT FORD AND ALL MINOR DEFENDANTS)***

22           165. In answer to Paragraph 165 of Plaintiffs' First Amended Complaint, Defendant  
23 repeats and realleges each and every answer to Paragraphs 1 through 164 as though fully set  
24 forth herein at length.

25           166. In answer to Paragraph 166 of Plaintiffs' First Amended Complaint, the  
26 allegations contained therein do not apply to this answering Defendant.

27           167. Defendant denies the allegations contained in Paragraph 167 of Plaintiffs' First  
28 Amended Complaint.

1           168. In answer to Paragraph 168 of Plaintiffs' First Amended Complaint, the  
2 allegations contained therein do not apply to this answering Defendant.

3           169. Defendant denies the allegations contained in Paragraph 169 of Plaintiffs' First  
4 Amended Complaint.

5                                   **TENTH CAUSE OF ACTION**

6                                   ***(STALKING AGAINST DEFENDANT FORD)***

7           170. In answer to Paragraph 170 of Plaintiffs' First Amended Complaint, Defendant  
8 repeats and realleges each and every answer to Paragraphs 1 through 169 as though fully set  
9 forth herein at length.

10          171. In answer to Paragraph 171 of Plaintiffs' First Amended Complaint, the  
11 allegations contained therein do not apply to this answering Defendant.

12          172. Defendant denies the allegations contained in Paragraph 172 of Plaintiffs' First  
13 Amended Complaint.

14          173. In answer to Paragraph 173 of Plaintiffs' First Amended Complaint, the  
15 allegations contained therein do not apply to this answering Defendant.

16          174. Defendant denies the allegations contained in Paragraph 174 of Plaintiffs' First  
17 Amended Complaint.

18                                   **ELEVENTH CAUSE OF ACTION**

19                                   ***(STALKING TO CAUSE HARM AGAINST DEFENDANT FORD)***

20          175. In answer to Paragraph 175 of Plaintiffs' First Amended Complaint, Defendant  
21 repeats and realleges each and every answer to Paragraphs 1 through 174 as though fully set  
22 forth herein at length.

23          176. In answer to Paragraph 176 of Plaintiffs' First Amended Complaint, the  
24 allegations contained therein do not apply to this answering Defendant.

25          177. Defendant denies the allegations contained in Paragraph 177 of Plaintiffs' First  
26 Amended Complaint.

27          178. In answer to Paragraph 178 of Plaintiffs' First Amended Complaint, the  
28 allegations contained therein do not apply to this answering Defendant.

1           179. Defendant denies the allegations contained in Paragraph 179 of Plaintiffs' First  
2 Amended Complaint.

3                                   **TWELFTH CAUSE OF ACTION**

4                   ***(HAZING AGAINST DEFENDANT FORD AND ALL MINOR DEFENDANTS)***

5           180. In answer to Paragraph 180 of Plaintiffs' First Amended Complaint, Defendant  
6 repeats and realleges each and every answer to Paragraphs 1 through 179 as though fully set  
7 forth herein at length.

8           181. Defendant denies the allegations contained in Paragraph 181 of Plaintiffs' First  
9 Amended Complaint.

10          182. Defendant denies the allegations contained in Paragraph 182 of Plaintiffs' First  
11 Amended Complaint.

12          183. In answer to Paragraph 183 of Plaintiffs' First Amended Complaint, the  
13 allegations contained therein do not apply to this answering Defendant.

14          184. Defendant denies the allegations contained in Paragraph 184 of Plaintiffs' First  
15 Amended Complaint.

16                                   **THIRTEENTH CAUSE OF ACTION**

17                   ***(BULLYING BY USE OF ELECTRONIC COMMUNICATION DEVICE AGAINST***  
18                   ***DEFENDANT FORD AND ALL MINOR DEFENDANTS)***

19          185. In answer to Paragraph 185 of Plaintiffs' First Amended Complaint, Defendant  
20 repeats and realleges each and every answer to Paragraphs 1 through 184 as though fully set  
21 forth herein at length.

22          186. In answer to Paragraph 186 of Plaintiffs' First Amended Complaint, the  
23 allegations contained therein do not apply to this answering Defendant.

24          187. In answer to Paragraph 187 of Plaintiffs' First Amended Complaint, the  
25 allegations contained therein do not apply to this answering Defendant.

26          188. Defendant denies the allegations contained in Paragraph 188 of Plaintiffs' First  
27 Amended Complaint.

28          189. In answer to Paragraph 189 of Plaintiffs' First Amended Complaint, the

1 allegations contained therein do not apply to this answering Defendant.

2 190. Defendant denies the allegations contained in Paragraph 190 of Plaintiffs' First  
3 Amended Complaint.

4 **FOURTEENTH CAUSE OF ACTION**

5 ***(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST***  
6 ***DEFENDANT FORD AND ALL MINOR DEFENDANTS)***

7 191. In answer to Paragraph 191 of Plaintiffs' First Amended Complaint, Defendant  
8 repeats and realleges each and every answer to Paragraphs 1 through 190 as though fully set  
9 forth herein at length.

10 192. In answer to Paragraph 192 of Plaintiffs' First Amended Complaint, the  
11 allegations contained therein do not apply to this answering Defendant.

12 193. Paragraph 193 of Plaintiffs' First Amended Complaint calls for a legal  
13 conclusion, not facts, to which no response is required. To the extent Paragraph 193 is deemed  
14 to contain factual allegations, Defendant denies said allegations.

15 194. Defendant denies the allegations contained in Paragraph 194 of Plaintiffs' First  
16 Amended Complaint.

17 195. In answer to Paragraph 195 of Plaintiffs' First Amended Complaint, the  
18 allegations contained therein do not apply to this answering Defendant.

19 196. Defendant denies the allegations contained in Paragraph 196 of Plaintiffs' First  
20 Amended Complaint.

21 **FIFTEENTH CAUSE OF ACTION**

22 ***(NEGLIGENT HIRING, RETENTION, AND SUPERVISION AGAINST***  
23 ***DEFENDANT WCSD)***

24 197. In answer to Paragraph 197 of Plaintiffs' First Amended Complaint, Defendant  
25 repeats and realleges each and every answer to Paragraphs 1 through 196 as though fully set  
26 forth herein at length.

27 198. Paragraph 198 of the Plaintiffs' First Amended Complaint calls for a legal  
28 conclusion, not facts, to which no response is required. To the extent Paragraph 198 is deemed

1 to contain factual allegations, Defendant denies said allegations.

2 199. Defendant denies the allegations contained in paragraph 199 of Plaintiffs' First  
3 Amended Complaint.

4 200. Defendant denies the allegations contained in Paragraph 200 of Plaintiffs' First  
5 Amended Complaint.

6 201. Defendant denies the allegations contained in Paragraph 201 of Plaintiffs' First  
7 Amended Complaint.

8 202. In answer to Paragraph 202 of Plaintiffs' First Amended Complaint, the  
9 allegations contained therein do not apply to this answering Defendant.

10 203. Defendant denies the allegations contained in Paragraph 203 of Plaintiffs' First  
11 Amended Complaint.

12 **SIXTEENTH CAUSE OF ACTION**

13 ***(NEGLIGENCE AGAINST ALL DEFENDANTS)***

14 204. In answer to Paragraph 204 of Plaintiffs' First Amended Complaint, Defendant  
15 repeats and realleges each and every answer to Paragraphs 1 through 203 as though fully set  
16 forth herein at length.

17 205. Paragraph 205 of the Plaintiffs' First Amended Complaint calls for a legal  
18 conclusion, not facts, to which no response is required. To the extent Paragraph 205 is deemed  
19 to contain factual allegations, Defendant denies said allegations.

20 206. Paragraph 206 of the Plaintiffs' First Amended Complaint calls for a legal  
21 conclusion, not facts, to which no response is required. To the extent Paragraph 206 is deemed  
22 to contain factual allegations, Defendant denies said allegations.

23 207. Defendant denies the allegations contained in Paragraph 207 of Plaintiffs' First  
24 Amended Complaint.

25 208. Defendant denies the allegations contained in Paragraph 208 of Plaintiffs' First  
26 Amended Complaint.

27 209. Defendant denies the allegations contained in Paragraph 209 of Plaintiffs' First  
28 Amended Complaint.

1           210. Defendant denies the allegations contained in Paragraph 210 of Plaintiffs' First  
2 Amended Complaint.

3           211. Defendant denies the allegations contained in Paragraph 211 of Plaintiffs' First  
4 Amended Complaint.

5           212. Defendant denies the allegations contained in Paragraph 212 of Plaintiffs' First  
6 Amended Complaint.

7           213. Defendant denies the allegations contained in Paragraph 213 of Plaintiffs' First  
8 Amended Complaint.

9           214. Defendant denies the allegations contained in Paragraph 214 of Plaintiffs' First  
10 Amended Complaint.

11           215. Defendant denies the allegations contained in Paragraph 215 of Plaintiffs' First  
12 Amended Complaint.

13           216. Defendant denies the allegations contained in Paragraph 216 of Plaintiffs' First  
14 Amended Complaint.

15           217. Defendant denies the allegations contained in Paragraph 217 of Plaintiffs' First  
16 Amended Complaint.

17           218. Defendant denies the allegations contained in Paragraph 218 of Plaintiffs' First  
18 Amended Complaint.

19           219. Defendant denies the allegations contained in Paragraph 219 of Plaintiffs' First  
20 Amended Complaint.

21           220. Defendant denies the allegations contained in Paragraph 220 of Plaintiffs' First  
22 Amended Complaint.

23           221. Defendant denies the allegations contained in Paragraph 221 of Plaintiffs' First  
24 Amended Complaint.

25           222. Defendant denies the allegations contained in Paragraph 222 of Plaintiffs' First  
26 Amended Complaint.

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**SEVENTEENTH CAUSE OF ACTION**

***(CONSPIRACY AGAINST DEFENDANT WALKER, FORD,  
AND ALL MINOR DEFENDANTS)***

223. In answer to Paragraph 223 of Plaintiffs' Complaint, Defendant repeats and realleges each and every answer to Paragraphs 1 through 222 as though fully set forth herein at length.

224. Paragraph 224 of the Plaintiffs' First Amended Complaint calls for a legal conclusion, not facts, to which no response is required. To the extent Paragraph 224 is deemed to contain factual allegations, Defendant denies said allegations.

225. Defendant denies the allegations contained in Paragraph 225 of Plaintiffs' First Amended Complaint.

226. Defendant denies the allegations contained in Paragraph 226 of Plaintiffs' First Amended Complaint.

227. Defendant denies the allegations contained in Paragraph 227 of Plaintiffs' First Amended Complaint.

228. Defendant denies the allegations contained in Paragraph 228 of Plaintiffs' First Amended Complaint.

229. Defendant denies the allegations contained in Paragraph 229 of Plaintiffs' First Amended Complaint.

230. Defendant denies the allegations contained in Paragraph 230 of Plaintiffs' First Amended Complaint.

231. Defendant denies the allegations contained in Paragraph 231 of Plaintiffs' First Amended Complaint.

**EIGHTEENTH CAUSE OF ACTION**

***(42 U.S.C. §1983 – MONELL LIABILITY AGAINST WCSO AND WALKER)***

232. In answer to Paragraph 232 of Plaintiffs' Complaint, Defendant repeats and realleges each and every answer to Paragraphs 1 through 231 as though fully set forth herein at length.

1           233. In answer to Paragraph 233 of Plaintiffs' First Amended Complaint, the  
2 allegations contained therein do not apply to this answering Defendant.

3           234. Paragraph 234 of the Plaintiffs' First Amended Complaint calls for a legal  
4 conclusion, not facts, to which no response is required. To the extent Paragraph 234 is deemed  
5 to contain factual allegations, Defendant denies said allegations.

6           235. Paragraph 235 of the Plaintiffs' First Amended Complaint calls for a legal  
7 conclusion, not facts, to which no response is required. To the extent Paragraph 235 is deemed  
8 to contain factual allegations, Defendant denies said allegations.

9           236. Defendant denies the allegations contained in Paragraph 236 of Plaintiffs' First  
10 Amended Complaint.

11           237. Defendant denies the allegations contained in Paragraph 237 of Plaintiffs' First  
12 Amended Complaint.

13           238. Defendant denies the allegations contained in Paragraph 238 of Plaintiffs' First  
14 Amended Complaint.

15           239. Defendant denies the allegations contained in Paragraph 239 of Plaintiffs' First  
16 Amended Complaint.

17           240. Defendant denies the allegations contained in Paragraph 240 of Plaintiffs' First  
18 Amended Complaint.

19           241. Defendant denies the allegations contained in Paragraph 241 of Plaintiffs' First  
20 Amended Complaint.

21           242. Defendant denies the allegations contained in Paragraph 242 of Plaintiffs' First  
22 Amended Complaint.

23           243. Defendant denies the allegations contained in Paragraph 243 of Plaintiffs' First  
24 Amended Complaint.

25                           **EIGHTEENTH CAUSE OF ACTION**

26                           ***(PUNITIVE DAMAGES AGAINST ALL DEFENDANTS)***

27           244. In answer to Paragraph 244 of Plaintiffs' First Amended Complaint, the  
28 allegations contained therein do not apply to this answering Defendant.

1           245. Defendant denies the allegations contained in Paragraph 243 of Plaintiffs' First  
2 Amended Complaint.

3                                   **SECOND DEFENSE**

4           Plaintiffs' First Amended Complaint on file herein fails to state a claim against this  
5 Defendant upon which relief may be granted.

6                                   **THIRD DEFENSE**

7           At all times and places alleged in Plaintiffs' First Amended Complaint, the negligence,  
8 misconduct, and fault of Plaintiffs exceed that of this Defendant, if any, and Plaintiffs are thereby  
9 barred from any recovery against this Defendant.

10                                  **FOURTH DEFENSE**

11           The occurrence referred to in Plaintiffs' First Amended Complaint, and all damages, if  
12 any, arising therefrom, were caused by the acts or omissions of a third person or persons over  
13 whom this Defendant had no control.

14                                  **FIFTH DEFENSE**

15           It has been necessary for this Defendant to employ the services of an attorney to defend  
16 this action, and a reasonable sum should be allowed this Defendant as and for attorney's fees,  
17 together with her costs expended in this action.

18                                  **SIXTH DEFENSE**

19           This Defendant alleges that at all times and places alleged in the Complaint, Plaintiffs did  
20 not exercise ordinary care, caution or prudence in the premises to avoid the loss herein  
21 complained of, and that same was directly and proximately contributed to and caused by the  
22 negligence, misconduct and fault of the Plaintiffs.

23                                  **SEVENTH DEFENSE**

24           Upon information and belief, Plaintiffs have failed to mitigate their damages.

25                                  **EIGHTH DEFENSE**

26           This Defendant's alleged actions or omissions were taken with due care in the execution  
27 of the statutes and regulations, and, therefore, this Defendant is statutorily immune from this  
28 action.

**NINTH DEFENSE**

This Defendant's alleged actions or omissions occurred in the exercise or performance of discretionary functions and duties, and, therefore, this Defendant is statutorily immune from this action.

**TENTH DEFENSE**

An award of punitive damages against this Defendant would be violative of the Fifth Amendment of the United States Constitution in that there is no assurance against multiple, unrestrained punishment in the form of punitive damages. Such an award of punitive damages would be violative of the double jeopardy provisions of the Nevada Constitution, Art. I, §8.

**ELEVENTH DEFENSE**

An award of punitive damages against this Defendant would be violative of the due process clause of the United States Constitution, the Fourteenth Amendment, §1, and violative of the due process clause of the Nevada Constitution, Art. I, §8.

**TWELFTH DEFENSE**

An award of punitive damages against this Defendant would constitute an undue burden upon interstate commerce and violate the interstate commerce clause of the United States Constitution, Art. I, §8.

**THIRTEENTH DEFENSE**

An award of punitive damages against this Defendant would constitute an excessive fine violative of the Nevada Constitution, Art. I, §7.

**FOURTEENTH DEFENSE**

An award of punitive damages against this Defendant should be barred since Plaintiffs cannot establish that this Defendant had an "evil mind" and "conducted himself in an aggravated and outrageous manner."

**FIFTEENTH DEFENSE**

The burden of proof on punitive damages should be by clear and convincing evidence.

**SIXTEENTH DEFENSE**

Plaintiffs may have suffered from a pre-existing injury or condition and are not entitled to

1 compensation therefor.

2 **SEVENTEENTH DEFENSE**

3 Without acknowledging liability, this Defendant affirmatively states that his liability is  
4 several, and not joint and several, pursuant to NRS 41.141.

5 **EIGHTEENTH DEFENSE**

6 The damages recoverable against this Defendant, if any, are limited by the provisions of  
7 NRS 41.035.

8 **NINETEENTH DEFENSE**

9 This Defendant is entitled to good faith qualified immunity from suit.

10 **TWENTIETH DEFENSE**

11 Punitive damages are not recoverable against this Defendant pursuant to NRS 41.035.

12 **TWENTY-FIRST DEFENSE**

13 The Plaintiffs have failed to exhaust necessary administrative remedies prior to filing  
14 suit.

15 **TWENTY-SECOND DEFENSE**

16 Plaintiffs' cannot demonstrate that they have been deprived of a liberty or property  
17 interest protected by the Fourteenth Amendment of the United States Constitution or the Nevada  
18 Constitution.

19 **TWENTY-THIRD DEFENSE**

20 Plaintiffs cannot demonstrate that Defendant Beau Walker entered into an agreement or  
21 meeting of the minds with any other individually named Defendant to violate Plaintiffs'  
22 constitutional rights.

23 **TWENTY-FOURTH DEFENSE**

24 Plaintiffs did not suffer extreme or severe emotional distress as a result of any conduct of  
25 Defendant Beau Walker.

26 **TWENTY-FIFTH DEFENSE**

27 Plaintiffs' medical charges, if any, are not and were not reasonable or customary.  
28

1 **TWENTY-SIXTH DEFENSE**

2 Plaintiffs' medical care and/or treatment, if any, is not and was not necessary or related to  
3 the incident that forms the basis of Plaintiffs' First Amended Complaint.

4 **TWENTY-SEVENTH DEFENSE**

5 This answering Defendant is not a policy-making official as related to any claims for  
6 municipal liability under 42 U.S.C. §1983.

7 **TWENTY-EIGHTH DEFENSE**

8 This answering Defendant cannot be held liable under Title IX because there is no  
9 individual liability under Title IX.

10 **TWENTY-NINTH DEFENSE**

11 This answering Defendant cannot be held liable under Title VI because there is no  
12 individual liability under Title VI of the Civil Rights Act of 1964.

13 **THIRTIETH DEFENSE**

14 Pursuant to FRCP 11, as amended, all possible affirmative defenses may not have been  
15 alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the  
16 filing of Defendant's answer, and therefore Defendant reserves the right to amend this answer to  
17 allege additional affirmative defenses if subsequent investigation warrants.

18 WHEREFORE, Defendant prays:

19 1. That Plaintiffs' First Amended Complaint be dismissed with prejudice and that they  
20 take nothing thereby;

21 2. That Defendant be awarded a reasonable attorney's fee and costs of suit; and

22 3. For such other and further relief as this Court deems just and proper.

23 DATED this 21<sup>st</sup> day of August, 2023.

24 THORNDAL ARMSTRONG, PC

25  
26 By: /s/ Katherine Parks  
27 KATHERINE F. PARKS, ESQ.  
28 Nevada Bar No. 6227  
6590 S. McCarran Blvd., Suite B  
Reno, Nevada 89509  
Attorney for Defendant  
BEAU WALKER

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal Armstrong, PC, and that on this date I caused the foregoing **ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT** to be served on all parties to this action by:

\_\_\_\_\_ placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.

☒ United States District Court, District of Nevada CM/ECF (Electronic Case Filing)

\_\_\_\_\_ personal delivery

\_\_\_\_\_ electronic means (facsimile or electronic mail)

\_\_\_\_\_ Federal Express/UPS or other overnight delivery

fully addressed as follows:

**Sigal Chattah, Esq.**  
**CHATTAH LAW GROUP**  
**5875 S. Rainbow Blvd., #203**  
**Las Vegas, NV 89118**

**Joseph S. Gilbert, Esq.**  
**JOEY GILBERT LAW**  
**405 Marsh Avenue**  
**Reno, NV 89501**  
***Co-Counsel for Plaintiffs***

DATED this 21<sup>st</sup> day of August, 2023.

/s/ Laura Bautista  
An employee of Thorndal Armstrong, PC